

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Amendments to Chapters 12-50, 12-64.1, 12-67.2,  
12-69.1, 12-74.1, 12-78.2, 12-79.1, 12-83.1, 12-114.2,  
12-170, 12-180, and 12-190,  
Hawaii Administrative Rules

Date

1. Section 12-50-9, Hawaii Administrative Rules,  
is amended to read as follows:

**"§12-50-9 Incorporation by reference.**

Incorporation of federal standard. Title 29, Code of Federal Regulations, section 1910.6, entitled "Incorporation by reference" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on February 10, 1984; March 7, 1996; March 23, 1999; September 13, 2005; [and] February 14, 2007[,]; and December 14, 2007, are made a part of this section." [Eff 2/14/00; am 12/29/00; am 3/31/06; am 08/26/07; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

2. Section 12-64.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-64.1-1 Incorporation by reference.**

Title 29, Code of Federal Regulations, Subpart I, entitled "Personal Protective Equipment", published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on October 24, 1978; February 10, 1984; April 6, 1984; June 30, 1993; January 31, 1994; April 6, 1994; June 30, 1994; July 1, 1994; March 7, 1996; May 2, 1996; May 9, 1996; January 8, 1998; April 23, 1998; August 4, 2004; April 3, 2006; [and] August 24, 2006[,]; and November 15, 2007, are made a part of this chapter."

[Eff 9/30/94; am 8/10/95; am 11/16/96; am 2/8/97;  
am 7/6/98; am 3/29/99; 05/05/05;" am 9/01/05;  
am 12/21/06; am 4/19/07; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

3. Section 12-64.1-3, Hawaii Administrative Rules, is amended to read as follows:

**"§12-64.1-3 [Responsibility for personal protective equipment.** When an occupational safety and health standard in this part requires that personal protective equipment be provided, used, worn, the employer is required to pay for the personal protective equipment except for that personal protective equipment which is very personal in nature and usable by the employee off the job.]RESERVED"  
[Eff 7/6/98; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

4. Section 12-67.2-2, Hawaii Administrative Rules, is amended to read as follows:

**"§12-67.2-2 Incorporation of federal standard.** Title 29, Code of Federal Regulations, Subpart J, entitled "General Environmental Controls" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on April 28, 1975; May 28, 1975; October 24, 1978; November 7, 1978; April 26, 1982; February 10, 1984; April 30, 1984; September 19, 1986; September 1, 1989; October 17, 1989; September 20, 1990; January 14, 1993; June 29, 1993; May 19, 1994; March 7, 1996; June 18, 1998; December 1, 1998; January 5, 2005; [and] September 13, 2005[,]; and December 14, 2007, are made part of this chapter, except as provided in section 12-67.2-1." [Eff 12/29/01; am 3/31/06; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

5. Section 12-69.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-69.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, §1910.94 entitled "Ventilation" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974, and the amendments published on January 8, 1998[,]; and December 14, 2007, are made a part of this chapter, except as provided in section 12-69.1-2." [Eff 7/6/98; am 12/29/00; am ]

(Auth: HRS §396-4) (Imp: HRS §396-4)

6. Section 12-74.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-74.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Subpart H, entitled "Hazardous Materials" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on January 27, 1975; June 2, 1975; October 24, 1978; November 7, 1978; September 12, 1980; September 7, 1982; February 10, 1984; September 29, 1986; April 12, 1988; March 6, 1989; April 13, 1990; June 20, 1990; August 6, 1990; April 18, 1991; February 24, 1992; March 4, 1992; June 30, 1993; August 22, 1994; March 7, 1996; January 8, 1998; June 18, 1998; March 23, 1999; November 7, 2002; June 8, 2004; September 13, 2005[, and]; April 3, 2006[,]; and December 14, 2007, are made part of this chapter."

[Eff 12/29/01; am 5/21/04; am 5/5/05; am 3/31/06; am 12/21/06; am ] (Auth: HRS §396-4)

(Imp: HRS §396-4)

7. Section 12-78.2-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-78.2-1 Incorporation of federal standard.**

Title 29, Code of Federal Register, Subpart Q, entitled "Welding, Cutting and Brazing" published by the Office of the Federal Regulations, National Archives and Records Administration, on June 27, 1974; and the amendments published on May 28, 1975; April 12, 1988; October 24, 1978; February 10, 1984; September 29, 1986; June 7, 1989; April 11, 1990; August 6, 1990; November 1, 1990; March 7, 1996; January 8, 1998; [and] September 13, 2005[,]; and December 14, 2007, are made a part of this chapter." [Eff 12/29/00; am 3/31/06; am ] (Auth:HRS §396-4) (Imp: HRS §396-4)

8. Section 12-79.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-79.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Subpart P, entitled "Hand and Portable Powered Tools and Other Hand-Held Equipment" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on October 24, 1978; February 10, 1984; February 1, 1985; March 7, 1996; [and] September 13, 2005[,]; and December 14, 2007, are made part of this chapter." [Eff 12/29/01; am 3/31/06; am ] (Auth: HRS §396-4) (Imp: HRS §396-4)

9. Section 12-83.1-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-83.1-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Subpart F, entitled "Powered Platforms, Manlifts and Vehicle-Mounted Work Platforms" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on March 26, 1975; October 24, 1978; September

29, 1986; June 7, 1989; July 28, 1989; August 6, 1990; March 7, 1996; [and] February 14, 2007 [,] ; and December 14, 2007, are made a part of this chapter." [Eff 12/29/01; am 8/26/07; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

10. Section 12-114.2-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-114.2-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Subpart E, entitled "Personal Protective and Life Saving Equipment" published by the Office of the Federal Register, National Archives and Records Administration, on December 30, 1971; and the amendments published on February 9, 1979; April 6, 1979; June 30, 1993; August 9, 1994; January 26, 1995; August 2, 1995; August 9, 1995; March 7, 1996; June 20, 1996; [and] January 8, 1998; and November 15, 2007, are made a part of this chapter, except as provided in section 12-114.2-2." [Eff 8/10/95; am 1/26/96; am 11/16/96; am 5/2/97; am 7/6/98; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

11. Section 12-114.2-3, Hawaii Administrative Rules, is amended to read as follows:

**"§12-114.2-3 [Responsibility for personal protective equipment.** When an occupational safety and health standard in this Part requires that personal protective equipment be provided, used, or worn, the employer is required to pay for that personal protective equipment except for that personal protective equipment which is very personal in nature and usable by the employee off the job.]RESERVED" [Eff 7/6/98; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

12. Section 12-170-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-170-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations, Part 1915

entitled "Occupational Safety and Health Standards for Shipyard Employment" published by the Office of the Federal Register, National Archives and Records Administration, on April 20, 1982; and the amendments published on April 30, 1984; July 7, 1986; September 29, 1986; August 24, 1987; April 27, 1988; February 15, 1989; June 7, 1989; September 14, 1992; October 30, 1992; April 23, 1993; January 3, 1994; February 9, 1994; July 19, 1994; July 25, 1994; August 10, 1994; December 22, 1994; February 21, 1995; March 16, 1995; June 8, 1995; June 29, 1995; July 13, 1995; September 29, 1995; February 13, 1996; March 7, 1996; May 24, 1996; June 13, 1996; June 20, 1996; August 23, 1996; November 4, 1996; January 10, 1997; June 20, 1997; March 19, 1998; June 29, 1998; December 1, 1998; March 1, 1999; July 3, 2002; September 15, 2004; January 5, 2005; March 21, 2005; February 28, 2006; April 3, 2006; [and] October 17, 2006[,]; and November 15, 2007, are made a part of this chapter." [Eff 3/23/01; am 1/10/03; am 9/01/05; am 3/31/06; am 12/21/06; am 4/19/07; am 8/26/07; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

13. Section 12-180-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-180-1 Incorporation of federal standard.**  
Title 29, Code of Federal Regulations. Part 1917 entitled "Marine Terminals", published by the Office of the Federal Register, National Archives and Records Administration, on July 5, 1983; and the amendments published on July 13, 1984; August 24, 1987; September 25, 1987; December 4, 1987; December 31, 1987; April 27, 1988; June 7, 1989; February 9, 1994; July 19, 1994; December 22, 1994; February 13, 1996; July 25, 1997; December 1, 1998; August 27, 1999; November 12, 1999; June 30, 2000; [and] February 28, 2006[,]; and November 15, 2007, are made a part of this chapter." [Eff 03/23/01; am 12/21/06; am ] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

14. Section 12-190-1, Hawaii Administrative Rules, is amended to read as follows:

**"§12-190-1 Incorporation of federal standard.**

Title 29, Code of Federal Regulations. Part 1918 entitled "Safety and Health Regulations for Longshoring", published by the Office of the Federal Register, National Archives and Records Administration, on July 9, 1974; and the amendments published on July 22, 1977; August 24, 1987; February 9, 1994; July 19, 1994; December 22, 1994; February 13, 1996; July 25, 1997; December 1, 1998; August 27, 1999; November 12, 1999; June 30, 2000; [and] February 28, 2006[,]; and November 15, 2007, are made part of this chapter." [Eff 03/23/01; am; 12/21/06; am ]  
(Auth: HRS §396-4) (Imp: HRS §396-4)

15. Material, except source notes, to be repealed is bracketed. New material is underscored.

16. Additions to update source notes to reflect these amendments are not underscored.

17. These amendments to chapters 12-50, 12-64.1, 12-67.2, 12-69.1, 12-74.1, 12-78.2, 12-79.1, 12-83.1, 12-114.2, 12-170, 12-180, and 12-190, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on \_\_\_\_\_, and filed with the Office of the Lieutenant Governor.

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DARWIN L.D. CHING, DIRECTOR  
Department of Labor and  
Industrial Relations

APPROVED AS TO FORM:

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Deputy Attorney General